IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 1ST NOVEMBER 2006 / 10TH KARTHIKA 1928

Bail Appl..No. 6465 of 2006

CRIME NO.496/2006 OF NEYYATTINKARA POLICE STATION

.....

PETITIONER/ACCUSED:

JIMKISTHAR, S/O. MAHEEN,
PAZHAYAVEEDU, ALUMOODU, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6465/2006

DATED THIS THE 1ST DAY OF NOVEMBER, 2006

O R D E R

The petitioner is alleged to have involved in the offence punishable under Section 4 and 5 of the Explosive Substances Act along with five other persons, as they had manufactured 28 country bombs without any authorisation, and transported them in an autorikshaw in the early morning hours, 2.00 a.m, on 2.7.2006. On interception by the police parties, accused Nos. 1 to 3 were arrested. But the petitioner escaped from the autorikshaw, submits the prosecution. However, the confession statement of the arrested accused reveal that one Shaji was present along with them.

2. The learned Public Prosecutor submits, basing on the records, that the petitioner, whose name is Jimkisthar, son of Maheen, is also having the name of Shaji. This had been clarified from the arrested accused. Further submission of the prosecution is that the

identification of the petitioner by the other accused and the witnesses is necessary.

3. In the above facts situation, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.496/2006 of Neyyattinkara Police Station, on 9.11.2006 at 10.00 a.m.

4. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court below, according to the law.

5. The learned Magistrate, on production of the accused before him, shall hear both sides and pass appropriate orders, considering the application, if any, filed by the Investigating Officer together with the bail application, that may be filed by the petitioner.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs